

REPORT - PLANNING COMMISSION MEETING
August 11, 2005

Project Name and Number: Canyon Heights General Plan Amendment (PLN2005-00234)

Applicant: City of Fremont

Proposal: To consider a City-initiated General Plan Amendment to change the land use of the 4.9 acre project site from Institutional Open Space to Low Density Residential, 3-5 units per acre (1.65 acres) and Hill Face Open Space (3.25 acres), and a rezoning from Open Space to Preliminary Planned District, P-2005-234.

Recommended Action: Recommend to City Council

Location: 40770 Canyon Heights Drive in the Mission San Jose Planning Area, also located in the Hill Planning Area

Assessor Parcel Number: 525-0308-001-00

Area: 4.9 acres

Owner: City of Fremont

Agent of Applicant: City of Fremont Development & Environmental Services

Consultant(s): Tom Shannon, Enshallah Real Estate Consulting and Development

Environmental Review: A Mitigated Negative Declaration has been prepared and circulated for the project.

Existing General Plan: Institutional Open Space

Existing Zoning: Open Space

Existing Land Use: Vacant

Public Hearing Notice: A total of 221 notices were mailed to owners and occupants of property within 1,000 feet of the site on the following streets: Esparito, Mackintosh, Canyon Heights, Clara, Lucy, Palatino, Slayton. The notices to owners and occupants were mailed on July 29, 2005. A Public Hearing Notice was delivered to The Argus on July 25, 2005 to be published by July 29, 2005.

A neighborhood meeting was held on July 20, 2005 for the benefit of nearby residents. The purpose of the meeting was to explain the surplus lands process and answer specific questions about the property and potential future development of single-family homes. Eight residents participated in the meeting and the outcome was generally positive with the residents understanding the project.

Executive Summary: The City has initiated a General Plan Amendment and Rezoning of certain property located at 40770 Canyon Heights Drive. The site is 4.9 acres in size. The intent is to change the land use of approximately one-third (1.65 acres) of the site from Open Space to Low Density Residential and re-designate the remaining 3.25 acres as Hill Face Open Space as it lies above the Toe of the Hill (TOH). The result will be the creation of five single family lots along Canyon Heights Drive for future residential development. It is the intention of the City to prepare a Tentative Tract Map for approval by the Planning Commission at a later date. The City would then transfer possession of the property and Tentative Tract Map through the surplus lands and public bidding process to a developer who would be responsible for all improvements associated with the Tract Map, constructing and selling the single-family homes, and filing the Final Subdivision Map.

Background and Previous Actions: The site was transferred to the City as a vacant lot as part of Tract 3462 in 1973. The site was designated as natural open space as part of PUD 73-3. No other actions have occurred on the site.

Project Description: The project site is a 4.9 acre vacant piece of land located on the eastern side of Canyon Heights Drive at the base of the Fremont hills. Currently, the site is used for grazing. The intention is change the land use of the site to accommodate five single family lots on 1.65 acres and an open space easement over the remaining 3.25 acres. Approximately 1.65 acres of the site is below the Toe of the Hill and would be designated as Low Density Residential consistent with existing neighborhood conditions. The remaining 3.25 acres is above the Toe of the Hill and would be designated as Hill Face Open Space with an open space easement recorded over this portion of the site. No development would occur above the Toe of the Hill and uses in this open space area would be limited to agriculture uses consistent with Measure T, the Hill Area Initiative of 2002.

The City has initiated the surplus lands process to sell the parcel with the intent of preparing a tentative tract map for subdivision of the property. The tentative tract map will come before the Planning Commission for approval at a later date. The City will then complete the surplus lands process to sell the property with the tentative tract map. It will be the responsibility of the purchaser to develop the property consistent with the Planned District zoning by completing all improvements, constructing the homes per the Planned District Guidelines and filing the Final Map.

In order to ensure land use compatibility and a well planned and designed site consistent with existing neighborhood conditions, the City has prepared a set of Planned District Design Guidelines and Standards, attached to this report as Exhibit "E". Some of these regulations to ensure consistency with the existing neighborhood include: (a) limiting windows of the new development from looking into existing residences; (b) requiring one-story elements on new construction adjacent to existing residences; and (3) requiring new development submittals to include streetscape diagrams which detail the relationship between new and existing residences – including grading and elevation. These guidelines and standards include design direction for the homes as well as City standards for Hill Area grading and development.

The City proposes to utilize the Planned District Amendment and Development Organization review processes for review and approval of the Precise Site Plan for the Planned District. Final review and approval authority would be the Planning Director. Review and approval of the Precise Site Plan would occur prior to development of the lots and Final Map approval. Site plan and architecture review and approval would occur through the staff-level Development Organization process to ensure conformity with Planned District guidelines and conditions of approval.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Institutional Open Space. The proposed project will amend the General Plan land use designation to be consistent with the existing land use within the neighborhood. One-third of the site (1.65) closest to Canyon Heights Drive will be designated Low Density Residential, 3-5 units per acre. The remaining two-thirds of the site (3.25 acres) will be designated as Hill Face Open Space as it lies above the Toe of the Hill line as defined by the Hill Area Initiative of 2002 (Measure T). The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

- ***Land Use Policy 1.1 – Residential use as primary allowed use in residential districts.***

The project conforms to this policy because residential will be the primary use in the residential portion of the site.

- ***Land Use Policy 1.17 – Where open space has been considered an element in the design of a residential development project, further development or encroachment on the open space by new buildings shall be strongly discouraged. Where feasible, project open space shall be permanently restricted to open space through deed restriction or other appropriate means.***

The project conforms to this policy because the open space portion of the site will be permanently preserved through an open space easement.

- **Land Use Policy 1.18** – *Single family homes shall be proportional to their lots.*

The project conforms to this policy because the Planned District includes development standards and guidelines to ensure proportionality between the site and building.

- **Land Use Policy 6.15** – *The City shall perform architectural review for any development in the Hill Area in order to insure consistency with the policies of the General Plan. In addition, all development on the Ridgeline and Hill Face shall be subject to discretionary review and must be approved by the Planning Commission, or by the City Council on appeal.*
- **Land Use Policy 6.16** – *Consistent with the Hill Area Initiative of 2002, all development shall be designed to minimize disturbances of the natural terrain and vegetation and to minimize visual impact.*

The project conforms to these policies because the Planned District includes development standards and guidelines to ensure architectural review consistent with City policies. The project proposal will not allow development above the Toe of the Hill line, which will be designated as Hill Face Open Space and subject to an Open Space Easement, consistent with the intent of protecting the natural topography.

Zoning Regulations: The proposed project includes a rezoning to Planned District based on R-1, single-family development standards. A set of Planned District Guidelines and Standards, Exhibit "E", has been created to ensure conformity with zoning regulations in regards to development standards in the Hill Area and other applicable regulations.

Inclusionary Zoning: The project, with five single family lots, is not required to meet the City's Inclusionary requirement, as only projects of seven units or larger are subject to Inclusionary housing.

Open Space/Landscaping: The project includes the designation of approximately 3.25 acres of land above the Toe of the Hill as permanent Open Space. This area will be left in its natural condition. A 30 foot wet band will be required along the rear portion of each lot for fire protection purposes. Since Lot 5 includes an open space easement over a majority of the site and is substantially larger than the other parcels, the wetband will be located in the same manner as the other lots. Each lot will be landscaped independently with review and approval occurring during the Development Organization review process.

View Impacts: Impacts to views are not anticipated. The location of the lots close to Canyon Heights Drive and the generous building separation between units will protect views of the hills.

ENGINEERING ANALYSIS:

Circulation/Access: The project site has frontage on the public street, Canyon Heights Drive. Canyon Heights Drive is an existing residential collector street with an existing right-of-way width of sixty feet and a pavement width of forty feet. The existing street improvements along the project frontage consist only of curb and gutter.

A five-foot wide sidewalk along the project frontage to connect to the existing sidewalk on either side of the property will be installed. The subdivision shall include the dedication of one-foot of right-of-way to provide the five-foot wide sidewalk and six-foot planter strip for a total of eleven feet. The subdivision shall also include the dedication of a six-foot public service easement along the public frontage.

Grading & Drainage: The site currently slopes downward from northeast to southwest with existing surface elevations from 250 feet to 80 feet. It is currently zoned as open space and the land is used for horse grazing. A horse corral exists on site and will be demolished at the commencement of any improvements on site. The City's existing storm drain system on Canyon Heights will need to be extended to serve the project site. A drainage culvert will be installed along the rear of each lot and a storm drain lateral installed along the northwest property line to convey the drainage into the City's storm drain system. Grading will be required for street improvement and other subdivision improvements. Hence, a grading plan will be required prior to Final Map approval. If the grading plan involves more than 1,000 cubic yards of material it will return to Planning Commission for review and approval.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Geologic Hazards: The site proposed for development is located within a seismic hazard zone for both earthquake-induced landslides and liquefaction, as delineated on maps published by the State of California. According to the Seismic Hazards Mapping Act, the City shall require, prior to the approval of a project, a geologic report defining and delineating any seismic hazard on the site. A report will be submitted and reviewed at the time of the tentative map application.

ENVIRONMENTAL ANALYSIS: An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations:

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The Agency has responded and indicated that this project is exempt from the Land Use Analysis Program of the Congestion Management Program.

The City has also received a few email letters from nearby residences. These are attached as informational items.

APPLICABLE FEES:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects/units will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

ENCLOSURES:

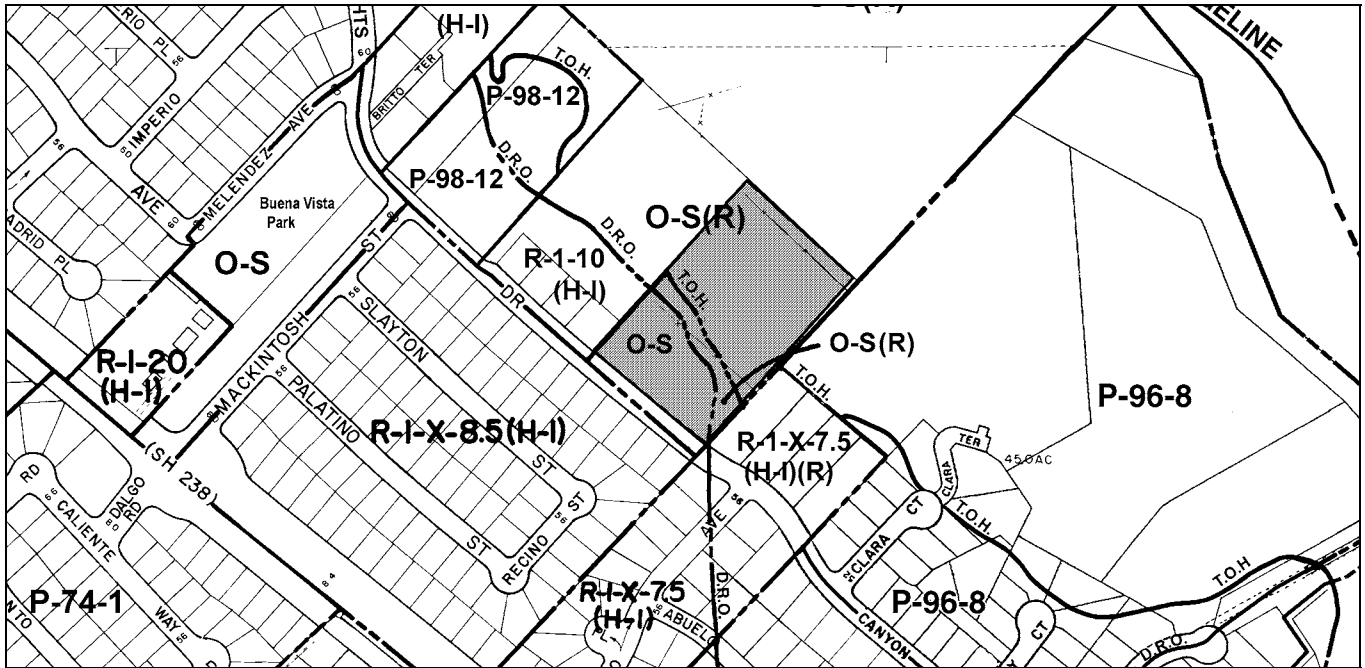
- Exhibit "A" General Plan Exhibit
- Exhibit "B" Rezoning Exhibit
- Exhibit "C" Preliminary Planned District
- Exhibit "D" Findings and Conditions of Approval
- Exhibit "E" Planned District Exhibit
- Initial Study, Draft Mitigated Negative Declaration and Mitigation Monitoring Program
- Email letters from neighbors (informational)

EXHIBITS: Exhibit "A" General Plan Exhibit
Exhibit "B" Rezoning Exhibit
Exhibit "C" Preliminary Planned District
Exhibit "D" Findings and Conditions of Approval
Exhibit "E" Planned District Exhibit
Initial Study and Draft Mitigated Negative Declaration and Mitigation Monitoring Program

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council the adoption of a Mitigated Negative Declaration finding that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for the project.
5. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
6. Recommend to City Council approval of PLN2005-00234 to amend the General Plan land use designation for the project in conformance with Exhibit "A" (General Plan Amendment Exhibit).
7. Find PLN2005-00234, as per Exhibit "C" (Preliminary Planned District), fulfills the applicable requirements set forth in the Fremont Municipal Code.
8. Recommend to the City Council the rezoning as shown on Exhibit "B" (Zoning Exhibit) and Exhibit "E" (Planned District Exhibit) PLN2005-00234 be approved, based upon the findings and subject to the conditions of approval set forth in Exhibit "D".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

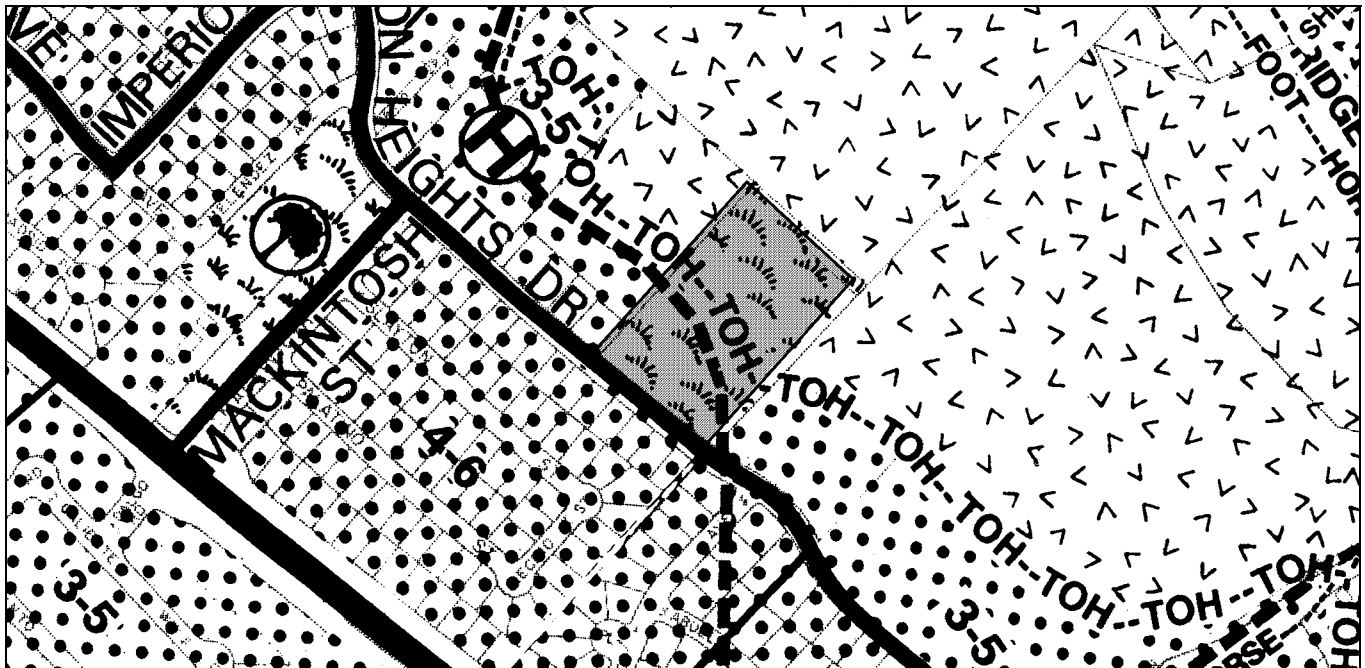


EXHIBIT "D"
Canyon Heights General Plan Amendment
PLN2005-00234

FINDINGS

The following findings are made by the Planning Commission based on information in the staff report and testimony at the public hearing on August 11, 2005, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the site is a size where construction of the project would be expected as a single-phase development.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district because the completion of site improvements will permit each of the five (5) lots to be developed independently with access to public utilities and infrastructure; and the Planned District requirements will require any new residences to fit with the existing developed neighborhood.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use. The code-required on-site circulation and parking improvements can reasonably and adequately serve the residential development of five (5) new units on an existing residential collector street.
4. That any exception from standard ordinance requirements may be warranted by special design and planned district amenities incorporated in the future precise site plan, in accord with adopted policy of the Planning Commission and City Council. Upon proposal of a development project through the Planned District process, the applicant may propose modifications to the Fremont Municipal Code for Planning Commission consideration that will allow development that is consistent with the General Plan land use designation and the existing surrounding residences.
5. That the area surrounding said development is planned and zoned in coordination and substantial compatibility with the proposed development. This site is an infill development, with the land surrounding this site already developed, zoned for a similar residential land use.
6. That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Low Density Residential (3 to 5 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.
7. That existing or proposed utility services are adequate for the population densities proposed. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
8. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

General Conditions

- A-1 The approval of PLN2005-00234 shall conform to Exhibit "C" *Preliminary Site Plan*, Exhibit "E" *Canyon Heights Planned District* and all the conditions of approval set forth herein. This Planned District, P-2005-234, entitles the development of five single-family lots.
- A-2 Precise site plan approval shall be conducted through the Planned District Amendment process with approval

granted by the Planning Director. This process shall run concurrently with the Development Organization Review process. Plans shall be submitted to the **Development Organization** for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.

- A-3 Minor modifications to the approved site plan, subject to review and approval of the Planning Director or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Planning Commission and/or City Council review.
- A-4 The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-5 Lighting associated with the project shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- A-6 The developer shall include the following mitigation measures into the project:
1. To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving shall be completed as soon as feasible to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be replanted to minimize the generation of dust. Designate a person to oversee the implementation of the dust control program.
 2. A burrowing owl survey will be required by a professional wildlife biologist for biological resources of significance at the site planning and architectural review stage, or 30 days prior to grading. If the protocol survey is completed no more than 30 days prior to grading/ground disturbance activity, no further surveying will be required. Otherwise, a separate pre-construction survey for burrowing owls is required no more than 30 days prior to any grading or ground disturbance to determine the presence of owls.
 3. Should any cultural resources be unearthed during site development work, the provisions of CEQA -Section 15064.5, will be followed to reduce impacts to a non-significant level.
 4. A geotechnical study will be performed prior to tentative tract map approval and subject to review by the City's peer review consultant. The scope of the study shall be reviewed and approved by the City Engineer to ensure all appropriate engineering standards are included.
 5. Standard water pollution and erosion control measures following Best Management Practices will be implemented to prevent runoff and sedimentation from entering the storm drain system. The project shall achieve compliance with the Alameda County Urban Runoff Program, in conformity with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.
 6. Construction hours will be limited by conditions of approval and no construction will be allowed on Sundays. Construction activities, including the delivery of materials, shall be limited to the following hours of operation: 7 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 6 p.m. Saturday. Interior noise levels in the sleeping quarters shall be maintained at 45 lq (hourly Average) or less through design and construction of the structures.

- A-7 All mechanical equipment, including any roof-mounted equipment, (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- A-8 Final building design, colors and materials shall be subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors. Color choices may be field tested prior to final approval.
- A-9 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2484, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.

Engineering Conditions

- E-1 A tentative tract map application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review.
- E-2 The Developer shall dedicate right-of-way and install street improvements along on Canyon Heights Drive. A right-of-way dedication of one foot is required along the project frontage. The developer shall install complete street improvements up to the centerline of Canyon Heights Drive along the project frontage. Street improvements include, but are not limited to: repair of pavement, curb, and gutter; installation of sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities. All required dedications and street improvements are subject to review and approval of the City Engineer prior to final map approval.
- E-3 The developer shall dedicate a minimum six-foot wide private service easement along Canyon Heights Drive frontage of the five proposed lots.
- E-4 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Fire Department Conditions

- F-1. The developer shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
- F-2. The developer shall install an automatic fire sprinkler system in each building for fire protection purposes. The Project is within the High Fire Hazard Area.
- F-3. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department and Building Department for review and approval prior to installation. Standard Required: N.F.P.A. 13-D with local amendments See #3.
- F-4. Automatic fire suppression systems in all group R-3 occupancies shall have Residential or quick response fire sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas: garages, carports, bathrooms, concealed spaces, water heater closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.
- F-5. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-6. Addresses must always be visible from Public Street.
- F-7. Public Fire hydrant spacing requirement is 300 feet. The distance is measured as the fire engine travels on all-weather surfaces.

- F-8. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- F-9. All lots shall include a 30-foot, fully irrigated wetband in the rear yard areas as indicated on Exhibit "C", Preliminary Planned District. The wetbands shall be located within the limits of each lot and be installed and operational prior to issuance of occupancy permits for the residences.

Exhibit “E”
Canyon Heights Planned District (PLN2005-00234)

Section 1: Purpose

To ensure that new single-family residential development is compatible with existing residential development and the characteristics of the R-1, Single-Family Residence District, and the H-I, Hillside Combining District to promote and encourage a suitable environment for family life.

Section 2: Allowed Uses

Allowed uses in the residential portion of the Planned District are limited to 5 detached single family homes and customarily appurtenant accessory uses, including secondary dwelling units.

Allowed uses in the open space portion of the Planned District are limited to Agriculture, including grazing, horticulture, floraculture, and arboriculture, but not including commercial feedlots, pig or poultry farms, commercial vineyards, or Christmas tree farms.

Section 3: Planned District Process and Site Plan and Architectural Review

All uses involving new construction shall be processed through the Planned District Minor Amendment process subject to review and approval of the Planning Director.

All uses will also be subject Site Plan and Architectural Approval (SPAA) through the City of Fremont Development Organization pursuant to Article 27, Chapter 2, Title VIII of the Fremont Municipal Code. Submittal materials shall include a streetscape plan indicating the relationship between proposed residential development and existing residential uses.

Section 4: Building and Site Development Standards

Building and site standards for this Planned District shall be as follows. Building and site development standards shall also be subject to all provisions within Article 18.2, Hillside Combining District, Chapter 2, Title VIII of the Fremont Municipal Code.

(a) *Lot Area*: Minimum Lot Area shall be 12,000 square feet.

(b) *Lot Width*: Minimum Lot Width shall be 75 feet.

(c) *Lot Depth*: Minimum Lot Depth shall be 165 feet.

(d) *Building Height*: Maximum building height is 30 feet for principle structures and 12 feet for accessory structures. Building height is established by a horizontal plane which is parallel to the ground as established by the approved as-built grading plan or the individual lot's approved as-built grading plan. When a basement is used, or when there is grading for the creation of crawl space entirely under the building floor and not visible from the exterior of the building, the height shall be measured to the grade established by the approved as-built grading plan or the individual lot's approved as-built grading plan (thereby excluding these spaces from the height calculation).

(e) *Front Setback*: 25 feet

(f) *Garage Setback*: 35 feet (Note: Garage shall be located a minimum of ten feet beyond the primary building)

(g) *Side Setbacks*: One side 15 fifteen feet, total of both sides 25 feet.

(f) *Rear Setback*: 40 feet

Section 5: Architectural & Site Design Guidelines

Site Planning and Orientation

1. Building Setbacks and Separation

- a. Building setbacks shall be maintained as indicated in Section 4, Building and Site Development standards.
- b. Rear building setbacks from the property line shall be a minimum of forty feet (40'); however actual building setback could be as great as fifty feet (50') to maximize useable rear yard open space area.
- c. A minimum twenty-five feet (25') of building separation shall be provided between homes.
- d. Building design shall preclude direct facing windows on adjacent structures.

2. Building Scale & Massing

- a. Structures shall be designed to fit the topography of the land, instead of modifying the land to accommodate the structure. All structures shall be designed to conform to the contours established by the approved grading plan and be designed to minimize grading outside the building's foundation and driveway. "Fitting the site's topography" means that the building mass and rooflines reflect the slope of the land, stepping with the grade.
- b. Foundation wall shall be no higher than six feet (6') from the finished floor to the grade established by the approved grading plan.
- c. Visible retaining walls used to construct garage pads shall be limited to a retaining height of six feet (6'). The sides of any exposed exterior retaining walls installed for this purpose shall be architecturally treated compatible with the home.
- d. Retaining walls not part of the walls of the building shall not exceed a maximum height of four feet (4') from the grade established by the approved grading plan. The use of successive retaining walls shall not result in grading in excess of four feet (4') at the building wall.
- e. Building design should break the main façade of the home into distinct elements: such as entry, main building; a single-story element and the roof. Single-story elements shall be designed and located in relation to surrounding homes.
- f. Massing should be further varied through articulation of elements such as bays, dormers and the like. Changing materials on these elements provides further articulation, adds variety and is encouraged.
- g. Each home should have vertical and/or horizontal elements designed as part of the architecture, such as a bay, turret, dormer, fenestration or banding based on the architectural character.

3. Garage Location

- a. Garages should be setback a minimum of ten feet (10') behind the main façade line of the home.

Architectural Style, Materials and Colors

4. Architectural Style

- a. Architectural style is not restricted, but all homes should have compatible design qualities. Evaluation of appearance will be based on quality of design and relationship to surroundings.
- b. Quality architectural design is encouraged. Sculptural and visually interesting as opposed to flat and unadorned treatments are required for each façade. Design features should be utilized to lessen the impact of two-story structures.

- c. Exterior architectural design on all elevations shall be coordinated with regard to color, texture, materials, finishes and architectural form and detailing to achieve design harmony and continuity.
- d. Similar design linkages and elements should be in good proportion with each other and maintain consistency and symmetry with nearby structures.
- e. The main roof pitches should be consistent with the architectural style of the home. Flat roofs will not be permitted. Shed roof forms are discouraged. Eaves and rakes should be articulated by fascia boards, coves, crown molds or gutters. Gutters and downspouts shall be used at all eave lines unless deemed inappropriate. All roof structures such as attic vents, plumbing vents, gutters and similar features should be painted to match the roof.
- f. Windows and doors should reflect restraint in the number of types styles and sizes. Consistency in detailing on elevations should be maintained. All openings should be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. Windows should be placed on all elevations and be properly spaced and proportioned. Shutters, if incorporated, should be sized to the opening and be located on all elevations. Shutters should be traditional in design and in keeping with the architectural style.
- g. Windows should be located to protect the privacy of existing adjacent residential development.
- h. The main entrance to the home should have a sense of prominence that is reflected through the design. It should include a pair of doors with or without sidelights, or a single door with sidelights. The main entrance should contain more detail than other openings but be consistent in styling.
- i. Masonry or stone facing used as veneer material on the front of residence should return around a corner to a logical point of termination such as a inside corner. Ending the veneer at an outside corner which would expose the edge of the material is not acceptable. It would be preferable to carry the material completely around the residence.
- j. Railings, short walls, trellises and roofs all add architectural detail and character to the residences, providing visual interest to the homes.

5. Materials

- a. Each home should include a minimum of two materials with varying primary materials used.
- b. Exterior building materials should consist of the following: brick, stucco, stone or wood.
- c. Roof materials should include concrete, slate or clay tiles. The use of asphalt shingles is strongly discouraged.
- e. Site materials for hardscape surfaces, including driveways, shall include decorative pavers, stamped concrete, porous concrete or other materials deemed acceptable by Staff.

6. Color

- a. Individual color palettes for each home are recommended. Building colors should generally be compatible with the area's context.
- b. Within an individual building color variety should relate to changes of materials or architectural elements. Each home should provide a palette of minimum of three colors with a roof material for each home.
- c. Primary building colors are discouraged. Earth tones, red/brown masonry and colors complementary to the primary building color are preferred.

Open Space, Landscaping and Site Details

6. Front Yard Landscaping

- a. Review and approval of individual landscape plans for each lot is required prior to building permit approval.
- b. Each front yard should contain individual landscape palettes varying in style, material and general appearance.

- c. Front yard landscaping should reinforce other design elements of the architecture such as vines on trellises, hedges, or low fences and walls.

7. Street Trees and Yard Trees

- a. Street trees shall be provided at approximately 30 foot on center along the street. (Minimum two trees per lot)

8. Fence Design and Location

- a. Fencing should be designed to integrate with the architecture of the homes and provide visual interest in its design and material.
- b. Open fencing is required along the rear property line of each lot and around the perimeter of the open space easement area on Lot 5.
- c. Solid fencing may be used between homes for privacy up to a point twenty feet (20') beyond the rear building line.
- d. Front yard fencing shall be limited to three feet (3') in height.
- e. Accent details at fence gates and entries are encouraged to add visual interest.

9. Wetband

- a. A thirty foot (30') fully irrigated wetband is required along the rear property line of each lot. The wetband for Lot 5 shall be located in the same manner as the other lots.

10. Accessory Structures

- a. Accessory structures should complement the primary building on site with regards to architectural design. In some instances, landscape screening may be required to mitigate the visual impact of the accessory structure.

11. Grading

- a. All exterior grading shall be accomplished using slopes no greater than 3 horizontal to 1 vertical. Please see the City's *Grading Ordinance*, Title VIII, Chapter 4 and Article 18.2, *Hillside Combining District*, Chapter 2 of the Fremont Municipal Code for all regulations regarding site grading.

12. Decks

- a. Decks shall include any structure which provides exterior useable open space above grade is which is wholly or partially supported by the structure apart from the wall of the house. Decks shall not be more than five feet (5') above the grade established by the approved grading plan. Decks more than twelve inches (12") above the ground shall be provided with a continuous screen wall that conceal the structural support.

13. Pools/Sports Courts

- a. Swimming pools and sports courts shall generally be within the natural grade, or four feet (4') from any toe or slope of a compacted fill pad lot. Decks associated with swimming pools shall be limited to five feet (5') in height exclusive of railing.
- b. Night lighting for sports court is not permitted.

Section 6: Other Applicable Regulations

R-1, Single-Family Residence Zoning District

Development on site will be subject to the provisions of Articles 6, *R-1, Single-Family Residence Zoning District*, Chapter 2, of the Fremont Municipal Code, unless modified herein.

Hill Area Standards

Development on site will be subject to the provisions of Article 18.2, *Hillside Combining District*, Chapter 2, of the Fremont Municipal Code.

Grading Ordinance

Development on site will be subject to the provisions of the City's *Grading Ordinance*, Title VIII, Chapter 4, of the Fremont Municipal Code.